

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT)) MDL No. 1917
ANTITRUST LITIGATION)

) Case No. C-07-5944-SC

) SCHEDULING ORDER

This Order Relates To:

Case No. 3:14-cv-02510

VIEWSONIC CORP.

Plaintiff

v.

CHUNGHWA PICTURE TUBES, LTD.,
et al.,

Defendants.

Plaintiff Viewsonic Corporation ("Viewsonic") filed this action on May 30, 2014. No. 14-cv-05210, ECF No. 1. Previously, Viewsonic, along with three other plaintiffs, sought to retract its previous opt-out from five settlement classes reached between the two plaintiff classes and several defendants. ECF No. 2517, at 3. On April 1, 2014, the Court denied that motion and encouraged the movants to pursue their own settlements. *Id.* at 7. Following the filing of this action, the parties filed letter briefs with the Court staking out various positions as to how, if at all, the

1 current MDL schedule, ECF No. 2459, should be varied in light of
2 the comparatively late date on which this action was filed. See
3 ECF Nos. 2643, 2645, 2657. Following this Court's order to meet
4 and confer regarding these scheduling issues, ECF No. 2671, the
5 parties filed a joint statement outlining their positions. ECF No.
6 2686 ("Joint Statement").

7 In the joint statement, the parties stake out two positions.
8 The first, held by Viewsonic and a group of defendants,¹
9 ("Collaborating Defendants") would maintain the existing March 9,
10 2015 trial date and pretrial schedule while altering various
11 discovery, expert, and dispositive motion deadlines. Joint
12 Statement at 1. The second, articulated by a different group of
13 defendants,² ("Non-Collaborating Defendants") does not offer an
14 alternative approach. Instead, the Non-Collaborating Defendants
15 simply argue that (1) the schedule proposed by Viewsonic and the
16 Collaborating Defendants provides inadequate time for pretrial
17 matters, particularly discovery, (2) Viewsonic's business model and

18 ¹ These defendants are: LG Electronics, Inc.; LG Electronics USA,
19 Inc.; Toshiba Corporation; Toshiba America, Inc.; Toshiba America
20 Electronic Components, Inc.; Toshiba America Information Systems,
21 Inc.; Mitsubishi Electric Corporation; Mitsubishi Electric Visual
22 Solutions America, Inc.; and Mitsubishi Electric & Electronics USA,
Inc.; Technicolor SA (f/k/a Thomson SA); and Technicolor USA, Inc.
(f/k/a Thomson Consumer Electronics, Inc.). Joint Statement at 1
n.1.

23 ² The Defendants taking this position are: Chunghwa Picture Tubes,
24 Ltd.; Chunghwa Picture Tubes (Malaysia); Panasonic Corporation;
25 Panasonic Corporation of North America; MT Picture Display Co.,
26 Ltd.; Beijing Matsushita Color CRT Co., Ltd.; Koninklijke Philips
27 Electronics N.V.; Philips Electronics North America Corporation;
28 Philips Electronics Industries (Taiwan) Ltd.; Philips Da Amazonia
Industria Electronica Ltda.; Samsung SDI Co., Ltd.; Samsung SDI
America, Inc.; Samsung SDI Mexico S.A. de C.V.; Samsung SDI Brasil
Ltda.; Shenzhen Samsung SDI Co., Ltd.; Tianjin Samsung SDI Co.,
Ltd.; and Samsung SDI (Malaysia) Sdn. Bhd. Joint Statement at 5
n.4.

1 expert reports raise issues distinct from those in the other MDL
2 cases, and (3) the prejudice they will suffer as a result of
3 applying the MDL schedule to this action is the result of
4 Viewsonic's prior litigation strategy and delay in filing the
5 complaint in this action. Id. at 5-7. To remedy these issues, the
6 Non-Collaborating Defendants propose the Court "meet and confer
7 with all defendants regarding a separate schedule that is fair to
8 all parties." Id. at 7.

9 With respect to the parties' positions, the Court agrees with
10 Viewsonic and the Collaborating Defendants. While the Court is
11 sympathetic to the claims of prejudice by the Non-Collaborating
12 Defendants, the legal and factual allegations as well as the likely
13 expert discovery issues here are largely identical to those in the
14 other actions. The Court remains committed to a swift but fair
15 resolution of these actions and continues to believe maintaining
16 the March 9, 2015 trial date is important to resolving these cases.

17 Accordingly the Court hereby ORDERS this action shall be
18 governed by the following schedule:

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1		Answer Viewsonic Complaint
2	July 25, 2014	
3	September 5, 2014	Defendants serve Opposition Expert Reports/Opening Reports
4		
5	October 6, 2014	Viewsonic serves Rebuttal Reports/Opposition Reports
6		
7	November 7, 2014	Close of fact and expert discovery
8	November 14, 2014	Last day to file dispositive motions
9		
10	November 21, 2014	Defendants' Optional sur- rebuttal
11	December 5, 2014	Pretrial <u>Daubert</u> motions
12		
13		Plaintiff's exchange of trial exhibits, deposition excerpts, and witness lists
14		
15	December 23, 2014	Oppositions to dispositive motions
16		
17	January 9, 2015	First simultaneous exchange of jury instructions and special verdict forms
18		
19	January 16, 2015	Oppositions to pretrial <u>Daubert</u> motions
20		
21	January 23, 2015	Replies in support of dispositive motions
22		Motions <u>in limine</u> and other non- dispositive motions
23	January 26, 2015	Second simultaneous exchange of jury instructions and special verdict forms
24		
25		Defendants' exchange of trial exhibits, deposition excerpts, and witness lists
26	January 29, 2015	
27		Meet and confer regarding pre- trial order
28	January 30, 2015	

February 6, 2015

Last day to exchange proposed exhibits and witness lists

Last day for filing pre-trial order, agreed set of jury instructions, and verdict forms

February 9, 2015

Replies in support of pre-trial Daubert motions

February 13, 2015

Oppositions to motions in limine and other non-dispositive motions

February 20, 2015

Last day for filing replies in support of motions in limine

February 27, 2015

Hearings on motions in limine and other non-dispositive pre-trial motions

Final pre-trial conference

March 9, 2015

Trial(s)

IT IS SO ORDERED.

Dated: July 28, 2014

UNITED STATES DISTRICT JUDGE